

## **REMARKS/ARGUMENTS**

### **A. Introduction**

In the Office action of August 10, 2007, the Examiner:

1. Rejected claims 20, 26-30, 32, 40-44 and 46 under 35 USC § 102(e) as being anticipated by US Pre-Grant Publication No. 2004/0220854 by Postrel (hereinafter "*Postrel*");
2. Rejected claims 21, 24, 35 and 38 under 35 USC § 103(a) as being unpatentable over Postrel (as applied in claims 20, 26-30, 32, 40-44 and 46 above) in view of US Pre-Grant Publication No. 2001/0049627 by Simpson (hereinafter "*Simpson*");
3. Rejected claims 22, 31, 33, 36, 45 and 47 under 35 USC § 103(a) as being unpatentable over *Postrel* (as applied in claims 20, 21, 24, 26-30, 32, 35, 38, 40-44 and 46 above) in view of US Patent No. 5, 710,886 to Christensen (hereinafter "*Christensen*") and further in view of US Pre-Grant Publication No. 2001/0042008 by Hull et al. (hereinafter "*Hull*");
4. Rejected claims 23 and 37 under 35 USC § 103(a) as being unpatentable over *Postrel* in view of non-patent literature by Conner (hereinafter "*Conner*"); and
5. Rejected claim 25 and 39 under 35 USC § 103(a) as being unpatentable over *Postrel* in view of non-patent literature by Perkins (hereinafter "*Perkins*").

By this paper, claims 20 – 47 are cancelled and new claims 48 -55 are pending.

**The Applicant thanks the Examiner for the present Office action, and responds as follows:**

### **B. Claims 48-51**

#### **1. Claim 48**

New claim 48 claims a method of promotional material determination and directed distribution by manufacturers. A manufacturer of the present application is not a service provider or retailer and thus functions differently than the processes disclosed in references

such as *Postrel*. Accordingly, the applicant respectfully submits that claim 48 is patentable over the cited references.

Support for new claim 48 can be found in the original application, to which, for ease of reference, the Applicant shall refer by using its pre-grant publication number 2002/0107739 and its reference paragraph numbers and reference element numbers. New claim 48 claims a method comprising the steps of: (1) providing a host relation database (ref. 260) of participating, that comprises at least one of: (a) the personal demographic and other information provided by the participating consumers; and (b) information of the participating consumers provided by third parties (ref. 270) (para. [0068]); (2) interfacing between the host computer and one or more promoter who are manufacturers (para. [0005]), comprising the steps of inputting (ref. 203), by each manufacturer, of: (a) manufacturer data (ref. 202) comprising text/images regarding the manufacturer (para. [0024]), and the manufacturer's assigned Uniform Code Council (UCC) code (para. [0025]); (b) brand name data (ref. 210); and (c) product data (ref. 209) comprising: the manufacturer's product's UCC code (para. [0027]); and text/image content associated with each product (para. [0026]) comprising a product description (para. [0031]); a brand name (para. [0030]); and a product size indicia or descriptor (para. [0032]); (3) interfacing between the host computer and one or more manufacturers, the interfacing comprising the steps of inputting (ref. 203), by each manufacturer, data for consumer selection (ref. 220) of manufacturer promotional data, comprising: (a) textual/image content associated with the manufacturer (para. [0024]); (b) textual/image content associated with each product (paragraph [0026]); and (c) a promotional material (ref. 203) comprising: a manufacturer's assigned UCC code (Para. [0025]), a family code (para. [0037]), a value of coupon code (paras. [0035] & [0036]), a UCC extended bar code (paras. [0041] & [0075]), a coupon offer code (para. [0038]), a description of the products required to be purchased (paras. [0041] & [0078]), and an expiration date (paras. [0041] & [0080]); (4) interfacing between a host computer and one or more manufacturers (para. [0005]), the step of interfacing comprising the steps of: (a) inputting of one or more target consumer profiles (ref. 207) comprising gender (para. [0045]), age (para. [0046]), zip code regions where data will be delivered (para. 0034); and a delivery interval (para. [0069]); inputting a promotional material (ref. 208) comprising: the manufacturer's assigned UCC

code (para. [0025]); a family code (para. [0037]); a value of coupon code (paras. [0035] & [0036]), an extended bar code (paras. [0041] & [0075]), coupon offer code (para. [0038]), a description of products required to be purchased (paras. 0041) & [0078]), and an expiration date (paras. [0041], [0080]); (b) querying (ref. 212) (para. [0068]) the relational database (ref. 260) to obtain query results (ref. 214); forming a list (para. [0069]) of consumers from the query results (ref. 214) to receive the specified (ref. 207) promotional material, the list including a representative consumer having a consumer identification (ref. 215); and saving the query results (ref. 260); (5) interfacing between the host computer and one or more consumers, the consumer interfacing steps comprising: (a) subscribing (ref. 227); (b) offering (ref. 228) of promotional material to the one or more consumers (ref. 228); and (c) recording (ref. 229) one more selections of promotional materials by the one or more consumers; and (6) generating manufacturer promotional materials, comprising: the coupon barcode (para. [0074]), comprising: the UCC code assigned to the manufacturer (para. [0025]); the family code (para. [0037]); the value of the coupon code (paras. [0035] & [0036]); the manufacturer's promotional material further comprising the extended barcode (para. [0075]); a "manufacturer/military" coupon indicator (paras. [0040] & [0085]); the expiration date (paras. [0041] & [0080]); the coupon offer code (para. [0038]); and a consumer identification code comprising a serial number and a bar code representations of serial numbers (para. [0084]); and distributing (ref. 242) the promotional material (e.g., a coupon) to a physical address of a consumer.

## 2. Claim 49

New claim 49 further limits 48 by claiming a method of promotional material determination and directed distribution by manufacturers and retailers. A manufacturer of the present claim is not a service provider or retailer and thus functions differently than the processes disclosed in references such as *Postrel*.

Accordingly, the applicant respectfully submits that claim 49 is patentable over the cited references.

As with the discussion of claim 48 above, support for new claim 49 can be found in the original application, to which, for ease of reference, the Applicant shall refer by using its pre-grant publication number 2002/0107739 and its reference paragraph numbers and reference element numbers. New claim 49 claims A method of coupon data delivery of claim 48, the method further comprising the steps of: (1) interfacing between a host computer and one or more promoters wherein the one or more promoters are retailers (para. [0005]), the interfacing comprising: (a) inputting (ref. 203) consumer selection (ref. 228) information, by each retailer, the consumer selection information comprising: retailer data comprising textual content and image content associated with the retailer (para. [0024]); an offer code (para. [0038]) and a coupon value (para. [0035]); and (b) inputting one or more target consumer profiles comprising gender (para. [0045]), age (para. [0046]), zip code region (para. [0034]), and delivery interval (para. [0069]); consumer selection information, by each retailer, the consumer selection information comprising: retailer data as a promotion (ref. 208) comprising an offer code (para. [0038]), an expiration date (paras. [0041] & [0080]), and a coupon value (para. [0035]); (c) querying (ref. 212) the relational database (ref. 260) to obtain query results (ref. 214); (d) forming a list of consumers from the query results to receive the specified promotional material (ref. 207), the list including a representative consumer having a consumer identification (ref. 215); and (e) saving the query results (ref. 260); and (2) generating (para. [0073]) manufacturer and retailer promotional materials, collectively (refs. 240 & 241), comprising: manufacturer promotional materials comprising: the coupon barcode (para. [0074]), comprising: the UCC code assigned to the manufacturer (para. [0025]); the family code (para. [0037]); the UCC value code (paras. [0035] & [0036]); the UCC extended barcode (para. [0075]); a manufacturer/military coupon indicator (paras. [0040] & [0085]); the expiration date (paras. [0041] & [0080]); the coupon offer code (para. [0038]); and a consumer identification code (para. [0084]) comprising a serial number and a bar code representations of serial numbers; and retailer promotional materials, comprising: the offer code (para. [0077]), the expiration date (paras. [0041] & [0080]), and a consumer identification code comprising a serial number and a bar code representations of serial

numbers (para. [0084]); and (3) distributing (ref. 242) the coupon to a physical address of a consumer.

### **3. Claim 50**

New claim 50 claims a method of promotional determination and directed distribution by manufacturers. A manufacturer of the present claim is not a service provider or retailer and thus functions differently than the processes disclosed in reference such as *Postrel*. In addition, claim 50 claims a method of providing an interface for the manufacturers to input data comprising product ingredients and/or nutritional data pertaining to the product. The reference *Postrel* pertains to a service to which limitations to ingredients and/or nutritional data may not be properly appended. Accordingly, the applicant respectfully submits that claim 50 is patentable over the cited references.

Support for new claim 50 can be found in the original application, to which, for ease of reference, the Applicant shall refer by using its pre-grant publication number 2002/0107739 and its reference paragraph numbers and reference element numbers. New claim 50 claims the method of promotional data delivery of claim 48 wherein the inputting step by each manufacturer of the interfacing step between a host computer and one or more promoters who are manufacturers (para. [0005]), further comprises the step of inputting (ref. 203) at least one of: (a) ingredients (para. [0028]) of each product input by the manufacturer; and (b) nutritional data (para. [0029]) of each product input by the manufacturer.

### **4. Claim 51**

New claim 51 claims a method of promotional material determination and directed distribution by manufacturers. A manufacturer of the present claim is not a service provider or retailer and thus functions differently than the processes disclosed in reference such as *Postrel*. In addition, claim 51 claims a method of providing content for the consumer interface comprising product ingredients and/or nutritional data pertaining to the product. The reference *Postrel* pertains to a service to which limitations to ingredients and/or nutritional data may not be properly appended. Accordingly, the applicant respectfully submits that claim 51 is patentable over the cited references.

Support for new claim 51 can be found in the original application, to which, for ease of reference, the Applicant shall refer by using its pre-grant publication number 2002/0107739 and its reference paragraph numbers and reference element numbers. New claim 51 claims the method of promotional data delivery method of claim 48 wherein the providing content for the consumer interface step of the interfacing step between a host computer and one or more manufacturers (paras. [0005] & [0021]) further comprises providing at least one of: (a) ingredients (para. [0028]) of each product input by the manufacturer; and (b) nutritional data (para. [0029]) of each product input by the manufacturer.

### **C. Claims 52 – 55**

#### **1. Claim 52**

New claim 52 claims a system of promotional material determination and directed distribution by manufacturers. A manufacturer of the present claim is not a service provider or retailer and thus functions differently than the processes disclosed in references such as *Postrel*. Accordingly, the applicant respectfully submits that claim 52 is patentable over the cited references.

#### **2. Claim 53**

New claim 53 further limits 52 by claiming a system of promotional material determination and directed distribution by manufacturers and retailers. A manufacturer of the present claim is not a service provider or retailer and thus functions differently than the processes disclosed in references such as *Postrel*. Accordingly, the applicant respectfully submits that claim 53 is patentable over the cited references.

#### **3. Claim 54**

New claim 54 claims a system of promotional determination and directed distribution by manufacturers. A manufacturer of the present claim is not a service provider or retailer and thus functions differently than the processes disclosed in reference such as *Postrel*. In

addition, claim 54 claims a system interface by which the manufacturer's input data comprising product ingredients and/or nutritional data pertaining to the product. The reference *Postrel* pertains to a service to which limitations to ingredients and/or nutritional data may not be properly appended. Accordingly, the applicant respectfully submits that claim 54 is patentable over the cited references.

#### **4. Claim 55**

New claim 55 claims a system of promotional material determination and directed distribution by manufacturers. A manufacturer of the present claim is not a service provider or retailer and thus functions differently than the processes disclosed in reference such as *Postrel*. In addition, claim 55 claims a system providing content for the consumer interface comprising product ingredients and/or nutritional data pertaining to the product. The reference *Postrel* pertains to a service to which limitations to ingredients and/or nutritional data may not be properly appended. Accordingly, the applicant respectfully submits that claim 55 is patentable over the cited references.

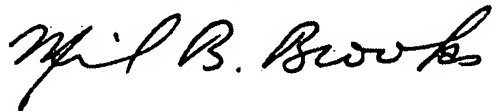
Appl. No. 10/051,557  
Amdt. Dated Nov. 9, 2007  
Reply to Office action mailed August 10, 2007

#### **F. Conclusion**

The Applicant respectfully submits, with the cancellation of claims 20 – 47 and the entry of new claims 48 – 55, and in view of the arguments and remarks herein presented, that claims 48 – 55 are patentable over the cited art and are presently in condition for allowance. The Applicant has taken care that, by this amendment, no new matter has been added (35 USC §312 & 37 CFR §1.12). By this amendment, there are presently eight claims pending of which two are independent. While no additional fees are anticipated with this response, should additional fees be required, authorization is hereby given to charge any additional fees, and credit any overcharges pertaining to the prosecution of this matter to Deposit Account No. 02-3979.

Respectfully submitted,

MICHAEL BLAINE BROOKS, P.C.

A handwritten signature in black ink, appearing to read "Michael B. Brooks". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Dr. Michael B. Brooks, Esq.  
Registration Number 39,921

Telephone No. (805) 579-2500  
FAX (805) 584-6427

Michael Blaine Brooks, P.C.  
1445 E. Los Angeles Ave., Suite 301Z  
Simi Valley, CA 93065-7818

Customer No. 24507